

## ARC 6449B

### EDUCATIONAL EXAMINERS BOARD[282]

#### Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 11, "Complaints, Investigations, Contested Case Hearings," Iowa Administrative Code.

This amendment reflects changes made in legislation to Iowa Code section 272.15 as amended by 2007 Iowa Acts, Senate File 588, section 33. The statute has been amended to expand who may initiate a complaint and also the duties of the Executive Director when reports of misconduct and inappropriate assignment are received.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 12, 2007, as **ARC**

**6246B**. A public hearing on the amendment was held on October 3, 2007. No one attended the public hearing, and no written comments were received. One nonsubstantive change from the Notice has been made: The word "or" before the words "local school district" was removed from subparagraph 11.4(1)"d"(2).

This amendment is intended to implement Iowa Code section 272.15 as amended by 2007 Iowa Acts, Senate File 588, section 33.

This amendment will become effective January 9, 2008.

The following amendment is adopted.

Amend subrule 11.4(1) as follows:

**11.4(1)** Who may initiate. The following entities may initiate a complaint:

a. to c. No change.

d. The executive director of the board of educational examiners if the following circumstances have been met:

(1) The executive director receives information that a practitioner:

1. Has been convicted of a felony criminal offense, or a misdemeanor criminal offense wherein the victim of the crime was 18 years of age or younger, and the executive director expressly determines within the complaint that the nature of the offense clearly and directly impacts the practitioner's fitness or ability to retain the specific license(s) or authorization(s) which the practitioner holds; or

2. Has been the subject of a founded report of child abuse placed upon the central registry maintained by the department of human services pursuant to Iowa Code section 232.71D and the executive director expressly determines within the complaint that the nature of the offense clearly and directly impacts the practitioner's fitness or ability to retain the specific license(s) or authorization(s) which the practitioner holds; or

3. *Has not met a reporting requirement stipulated by Iowa Code section 272.15 as amended by 2007 Iowa Acts, Senate File 588, section 33, Iowa Code section 279.43, 281—*

*subrule 102.11(2), 282—Chapter 11, or 282—Chapter 25; or*

3 4. Has falsified a license or authorization issued by the board; or

4 5. Has submitted false information on a license or authorization application filed with the board; and *or*

6. *Does not hold the appropriate license for the assignment for which the practitioner is currently employed; or*

7. *Has assigned another practitioner to perform services for which the practitioner is not properly licensed; and*

(2) The executive director verifies the information *or the alleged misconduct* through review of official records maintained by a court, or the department of human services registry of founded child abuse reports, or the practitioner licensing authority of another state, *the department of education, the local school district, area education agency, or authorities in charge of the nonpublic school*, or the executive director is presented with the falsified license; and

(3) No other complaint has been filed.

e. The department of transportation if the licensee named in the complaint holds a behind-the-wheel instructor's certification issued by the department and the complaint relates to an incident or incidents arising during the course of driver's education instruction.

*f. An employee of the department of education who, while performing official duties, becomes aware of any alleged misconduct by an individual licensed under Iowa Code section 272.2.*

[Filed 11/14/07, effective 1/9/08]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/5/07.